

## REMARKS

1. Drawings

Applicants acknowledge with appreciation the approval of the drawings of record.

2. § 112

Claims 9-21 were rejected for indefiniteness because claims 9 and 11 recite two lever members and the phrase "the other lever member". The Examiner asserted that this implies a third lever member that is not shown in the drawings or described in the specification. While it is believed that the recited language does not imply a third lever member or render the claims indefinite, applicants hereby amend claims 9 and 11 as stated above to eliminate this language and use instead the "first lever member" and "second lever member" terminology.

This is believed to avoid the indefiniteness issues with respect to claims 9-21. Applicants wish to note for the record that none of the amendments to claims 9-21 made herein are believed to be narrowing in nature such as to preclude the application of the doctrine of equivalents under the law of Festo.

3. § 103

Claims 1-8 were rejected as being obvious over either Konen *et al.* (U.S. Pat. No. 6,234,050) or Jeske *et al.* (U.S. Pat. No. 6,684,439) in light of Henderson (U.S. Pat. No. 4,534,827).

As recognized by the Office, neither Konen *et al.* nor Jeske *et al.* disclose multiple beveled cutting surfaces at the cutting sections of the lever members. The Office relies on Henderson for this teaching. Applicants respectfully submit that Henderson does not provide the missing teaching, and thus that the combined references do not render the invention of claims 1-8 obvious. Furthermore, claim 1 (and thus claims 2-7) are hereby amended to expressly recite that the two oblique angled surfaces of each cutting blade section define two distinct cutting planes.

These cutting planes are referenced in the drawings and description by numbers 38 and 40 for lever 12 and 39 and 41 for lever 13.

Regarding Henderson, this patent concerns a method of etching a very fine edge (100 Å) cutting tool from a mono-crystalline blank, such as aluminum oxide, by controlling the crystallographic orientation of the blank during etching. The etching process can be used to form either one or two primary cutting edges in the tool. In either case, however, the cutting edges are formed at a single bevel or plane surface, as shown in FIG. 4, for example.

Figures 5-7 and the accompanying discussion disclose how the etching process can be used to effectively sharpen a blunt tip of the tool by beveling the "spine" at 60, which is the intersection between the non-cutting spine plane and the cutting bevel plane of the tool. As shown in Fig. 6A, using a particular crystallographic orientation the etching process can create a "spine edge 70" so that a sharp blade point 66 is formed between the spine edge 70 and the bevel edge 68. The discussion at col. 12, lines 7-17 of the Henderson patent details how a "double edge configuration" [emphasis added] is formed at the "blade point" [emphasis added] which works to strengthen the blade point and enhance the plunging characteristics of the blade.

Thus, Henderson teaches forming a multiple edge blade point with improved plunging characteristics. Importantly, it does not teach or suggest multi-angular or multi-planar bevels, which form the cutting section of the tool. As mentioned, the cutting section of the tool disclosed is always formed of a single angle bevel plane. The small spine bevels 66 are not (1) planar or (2) part of the cutting section of the tool.

The invention of claims 1-8 provides a multi-angled cutting section with a cutting edge (rather than blade point) that is strengthened along its length so it is less susceptible to dulling by nicks and gouges without adversely impacting its ability to make clean cuts without crushing or otherwise distorting the object being cut.

The Henderson reference fails to teach or suggest the multi-angle planar cutting sections and the attendant benefits to improved cutting edge strength. Therefore, applicants respectfully submit that the invention of claims 1-8 is not rendered obvious by the combination of the cited art.

Conclusion

Reconsideration and allowance of all pending claims is respectfully requested. No fee is believed due for consideration of this timely response. Any fees deemed necessary, however, should be charged to Deposit Account 17-0055.

Respectfully submitted,  
Craig Wilson, *et al.*

By: 

Steven J. Wietrzny  
Reg. No. 44,402  
Attorney for Applicant  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 277-5415